GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – EFS&T Department - Sri W.Ramamohanarao, Manager O/o Divisional Forest Office, Eluru Division, Eluru formerly worked as Superintendent in O/o the Divisional Forest Office, Krishna Division, Vijayawada - Departmental Proceedings under Rule-20 of Andhra Pradesh Civil Services (CC&A) Rules,1991 - Article of Charges issued – Regarding

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ENVIRONMENT, FORESTS, SCIENCE AND TECHNOLOGY (SEC.IV) DEPARTMENT
G.O.RT.No. 189 Dated: 21-12-2018
Read:

Govt.Memo.No.3633/Sec.IV/A1/2015, dated: 19.12.2018.

ORDER:

It is proposed to hold an enquiry against Sri W.Ramamohanarao, Manager O/o Divisional Forest Office, Eluru Division, Eluru formerly worked as Superintendent in the O/o Divisional Forest Office, Krishna Division, Vijayawada in accordance with the procedure laid down in Rule-20 of the A.P. Civil Services (CC&A) Rules, 1991.

2. The substance of the imputations of misconduct or misbehavior in respect of which the enquiry is proposed to be held is set out in the enclosed statement of article of charges (Annexure-I). A list of documents by which and a list of witnesses by whom the article of charges are proposed to be sustained are also enclosed (Annexure-II and III).

3. Sri W.Ramamohanarao, Manager O/o Divisional Forest Office, Eluru Division, Eluru formerly worked as Superintendent in the O/o Divisional Forest Office, Krishna Division, Vijayawada is directed to submit within (10) days of the receipt of this order, a written statement of his defense.

4. Sri W.Ramamohanarao, Manager O/o Divisional Forest Office, Eluru Division, Eluru formerly worked as Superintendent in the O/o Divisional Forest Office, Krishna Division, Vijayawada, is informed that an inquiry will be held only in respect of those Articles of Charge as are not admitted. He should therefore, specifically admit or deny the Article of Charge.

5. Sri W.Ramamohanarao, Manager O/o Divisional Forest Office, Eluru Division, Eluru formerly worked as Superintendent in the O/o Divisional Forest Office, Krishna Division, Vijayawada, is further informed that if he does not submit his written statement of defense on or before the date specified in para (3) above further action will be processed based on the material available.

6. Attention of Sri W.Ramamohanarao, Manager O/o Divisional Forest Office, Eluru Division, Eluru formerly worked as Superintendent in the O/o Divisional Forest Office, Krishna Division, Vijayawada, is invited to Rule-24 of the A.P.C.S (Conduct) Rules, 1964, under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service

under the Government. If any representation is received on his behalf from another person in respect of any matter dealt within these proceedings it will be presumed that Sri W.Ramamohanarao, Manager O/o Divisional Forest Office, Eluru Division, Eluru formerly worked as Superintendent in the O/o Divisional Forest Office, Krishna Division, Vijayawada is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule-24 of the A.P.C.S (Conduct) Rules, 1964.

7. The receipt of the Articles of Charge should be acknowledged on the duplicate copy enclosed and the said duplicate copy be returned to the undersigned immediately.

G.ANANTHA RAMU
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri W.Ramamohanarao, Manager (in duplicate)
O/o Divisional Forest Office, Eluru Division, Eluru
(Through the Principal Chief Conservator of Forests, Andhra Pradesh, Guntur)

Copy to the Principal Chief Conservator of Forests, Andhra Pradesh, Guntur. He is requested to serve the Government Orders on the Manager, obtain his dated acknowledgement on the duplicate copy and submit the same to Government immediately.

//FORWARDED :: BY ORDER//

SECTION OFFICER

ANNEXURE

Statement of article of charges framed against Sri W.Ramamohanarao, Manager O/o Divisional Forest Office, Eluru Division, Eluru formerly worked as Superintendent in the O/o Divisional Forest Office, Krishna Division, Vijayawada had committed irregularities as mentioned in the following Article of charges

Article:1 That the said Sri W.Ramamohanarao, Manager O/o Divisional Forest Office, Eluru Division, Eluru formerly worked as Superintendent in the O/o Divisional Forest Office, Krishna Division, Vijayawada had exhibited negligence in dealing the shifting of saw mills file within 5 Kms radious of Forest blocks, and failed to put forth the facts and mislead the then DFO, Krishna Division, Vijayawada**.**

That he has failed to maintain absolute integrity, devotion to duty and exhibited conduct of unbecoming of a Government servant in violation of Rule 3 of Civil Service (conduct) Rules 1964.

G.ANANTHA RAMU
PRINCIPAL SECRETARY TO GOVERNMENT

//FORWARDED :: BY ORDER//

SECTION OFFICER

ANNEXURE –I

Statement of Articles of Charge framed against Sri W.Ramamohanarao, Manager O/o Divisional Forest Office, Eluru Division, Eluru formerly worked as Superintendent in the O/o Divisional Forest Office, Krishna Division, Vijayawada

Article:1 That the said Sri W.Ramamohanarao, Manager O/o Divisional Forest Office, Eluru Division, Eluru formerly worked as Superintendent in the O/o Divisional Forest Office, Krishna Division, Vijayawada had exhibited negligence in dealing the shifting of saw mills file within 5 Kms radious of Forest blocks, and failed to put forth the facts and mislead the then DFO, Krishna Division, Vijayawada**.**

Basis of Article:

The statement of the imputation is that the Vigilance & Enforcement Officials have conducted inspection for granting permission for shifting of Saw Mill within 5 Km radius to the nearest Forest blocks on the orders of the Hon'ble High court of A.P and noticed certain irregularities for shifting of sawmills within 5 Kms radius to within 5 Kms radius in Krishna District.

Sri Srinivasa Wood works K.T.Road, Vijayawada

Smt Ch.Laksimi, Vijayawada, who is owner of the Sri Srinvasa Wood works, has submitted a representation dt.21.10.2010 to the Divisional Forest Officer (T) Vijayawada to accord permission for shifting of Saw mill from Door No.6-21-54, KT Road, Vijayawada to RS No.39/3, 3A, Door No.76-13-92/11, Gollapudi Bye pass road, Vijayawada in view of widening of road by the Municipal authorities. As per the instructions of the Divisional Forest Officer, Vijayawada the Forest Range Officer, Vijayawada had submitted a report stating that the proposed sawmill site is at a distance of 1.15 Kms from the nearest Indrakiladri Protected Forest area and the existing saw mill is also within 5 Kms from the nearest Indrakiladri Protect Forest. Basing on the report of the Forest Range Officer, Vijayawada and guidelines issued by the Government vide G.O.M.S.No.91 EFS&T (For.III Department, dated 11.07.2006, the then Divisional Forest Officer, Krishna Division, Vijayawada rejected the request of the Saw Mill owner for shifting of Saw Mill and issued orders vide Rc.No.5548/2010/V4 dt.07.01.2011 stating that the proposed saw mill site is within the 5 Km radius of protected forest area. In the rejection orders, the then Divisional Forest Officer, Krishna Division, Vijayawada has not mentioned the prevailing administrative instructions issued b the Principal Chief Conservator of Forests dated 28.09.2007. The charged Officer has wantonly by passed the Administrative instructions of the higher officials. Aggrieved by the orders of the DFO, the Saw Mill owner i.e., Smt Ch.Lakshimi, Vijayawada has filed Write Petition on 26.01.2011 in the Hon'ble High court, Andhra Pradesh, Hyderabad vide W.P.No.1294 of 2011 for favorable orders for getting permission for shifting of saw mill premises. Counter affidavit was not filed in the Hon'ble High court by the then Divisional Forest Officer, Krishna Division Vijayawada. The Hon'ble High court has passed orders in WP.No.1294/2011 on 11.02.2011 and specifically quoted that "though the case was adjourned on 28.01.2011 to enable the respondents to file the counter affidavit, no counter affidavit is filed" Further pleased to issue orders directing the then Divisional Forest Officer, Krishna Division, Vijayawada to permit the petitioner to shift the sawmill to the proposed

place within a period of one month from the date of receipt of High court orders. On receipt of Hon'ble High court orders, the then Divisional Forest Officer, Vijayawada vide letter dated 23.02.2011 requested the legal opinion of the Government Pleader for Forests on the implementation of the orders of the Hon'ble High court Hyderabad dully suppressing the administrative instructions in force. The Government pleader opined that permission can be granted for shifting of sawmill and informed the same through Letter No.legal opinion / BSS / Forests, dated 07.01.2011. Basing on the opinion, the then Divisional Forest Officer, Krishna Division, Vijayawada had issued orders permitting to shift sawmill vide Proceedings Rc.No.5548/2010/V4 dt.22.03.2011. On verification of this order, it is observed that a mention is made in the orders stating the request of the applicant for shifting of sawmill is rejected by him based on the guidelines issued in G.O.MS.No.91 EFS&T (For-III) Department, dt.11.07.2006 and as well as the administrative instructions is not mentioned in his rejection orders dated 07.01.2011.

As per the report of the vigilance & Enforcement Department, the charged Officer has committed irregularities as follows:-

It is observed that the G.O.Ms.No.91 EFS & T (For-III) Department, dated 11.07.2006 is silent on shifting of sawmills if the mills are located within 5 Km radius and to be shifted to within in 5 Km radius But the same was clarified by the Principal Chief Conservator of Forests in his administrative instructions dated 28.09.2007. In the WP.No.1294/2011 though there was two weeks of time between filing and disposal of affidavit, the Divisional Forest Officer failed to file counter affidavit for the reasons which are not acceptable. The Hon'ble Judge commented that though the case was adjourned on 28.01.2011 to enable the respondents to file the counter affidavit, no counter affidavit is filed. After verification of the office record, it is observed that the then Divisional Forest Officer did not made any effort to file the counter affidavit and even draft copy is also not available in the office files. In the absence of any counter affidavit by the Department, the Hon'ble High court has passed orders with the available material submitted by the petitioner. The Hon'ble High court is not aware of the Principal Chief Conservator of Forests guidelines while disposing the WP.NO.1294/2011. After the Hon'ble High court allowed shifting of sawmills based on the said G.O.No.91, orders were issued to the sawmill owners with due to mention of Administrative Instructions in the proceedings. In this case the charged officer has not guided the Divisional Forest Officer for filing the affidavit in the Hon'ble High court. It clearly shows that the charged Officer colluded with the saw mill owners and gave scope to the saw mill owner to get the favorable orders from the Hon'ble Courts. Due to this mistake, the sawmill owners taking the precedence of the judgment of WP.No.1294/2011, the remaining judgments were passed by the Hon'ble High court at the admission stage. The inaction of the Department led to dispose the writ petitions by the Hon'ble High court without any hearing or filing counter affidavits. Hence the charge.

G.ANANTHA RAMU
PRINCIPAL SECRETARY TO GOVERNMENT

//FORWARDED :: BY ORDER//

SECTION OFFICER

ANNEXURE-II

List of documents by which the articles of charge framed against against Sri W.Ramamohanarao, Manager O/o Divisional Forest Office, Eluru Division, Eluru formerly worked as Superintendent in the O/o Divisional Forest Office, Krishna Division, Vijayawada proposed to be sustained.

Copy of the report of the Director General (Vigilance & Enforcement) & Ex-Officio Prl.Secretary to Government) Hyderabad report No.44 (C.No.129/V&E/NR 2/2014) dated 28.5.2015.

G.ANANTHA RAMU
PRINCIPAL SECRETARY TO GOVERNMENT

//FORWARDED :: BY ORDER//

SECTION OFFICER

ANNEXURE-III

List of witnesses by whom the Articles of Charges framed against Sri W.Ramamohanarao, Manager O/o Divisional Forest Office, Eluru Division, Eluru formerly worked as Superintendent in the O/o Divisional Forest Office, Krishna Division, Vijayawada

Vigilance & Enforcement Department Officials

G.ANANTHA RAMU
PRINCIPAL SECRETARY TO GOVERNMENT

//FORWARDED :: BY ORDER//

SECTION OFFICER